

**Remarks:**

Applicant has carefully studied the non-final Examiner's Action with an electronic notification date of 01/21/2011, having a shortened statutory period for response with a one month extension set to expire 05/21/2011. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbering that correspond to the centered headings and numbering employed by the Office to ensure full response on the merits to each finding of the Office.

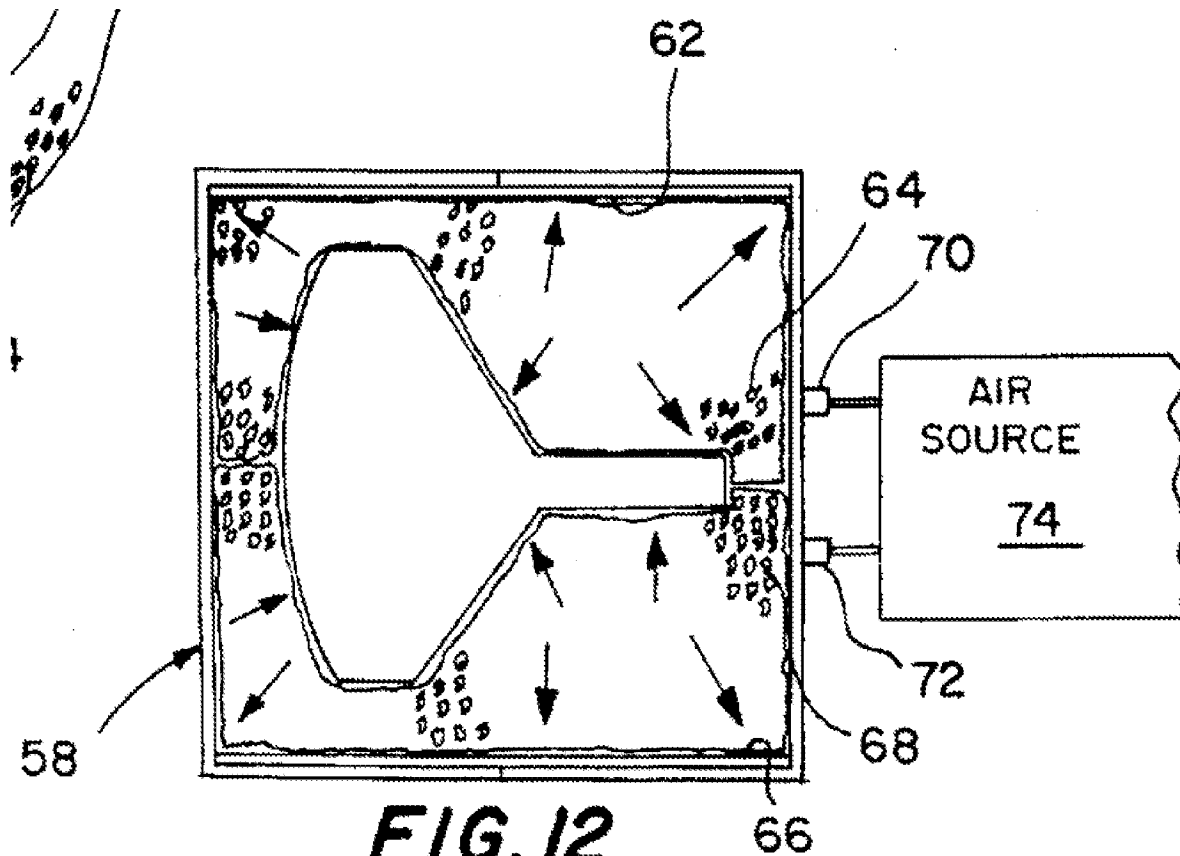
**DETAILED ACTION**

1. Applicant acknowledges that the finality of the Office Action dated 6/11/2010 is withdrawn. Claims 1-5 and 8-10 are withdrawn. Claims 6, 13-15 and 18 are pending. Claims 7, 11-12, and 16-17 are cancelled.

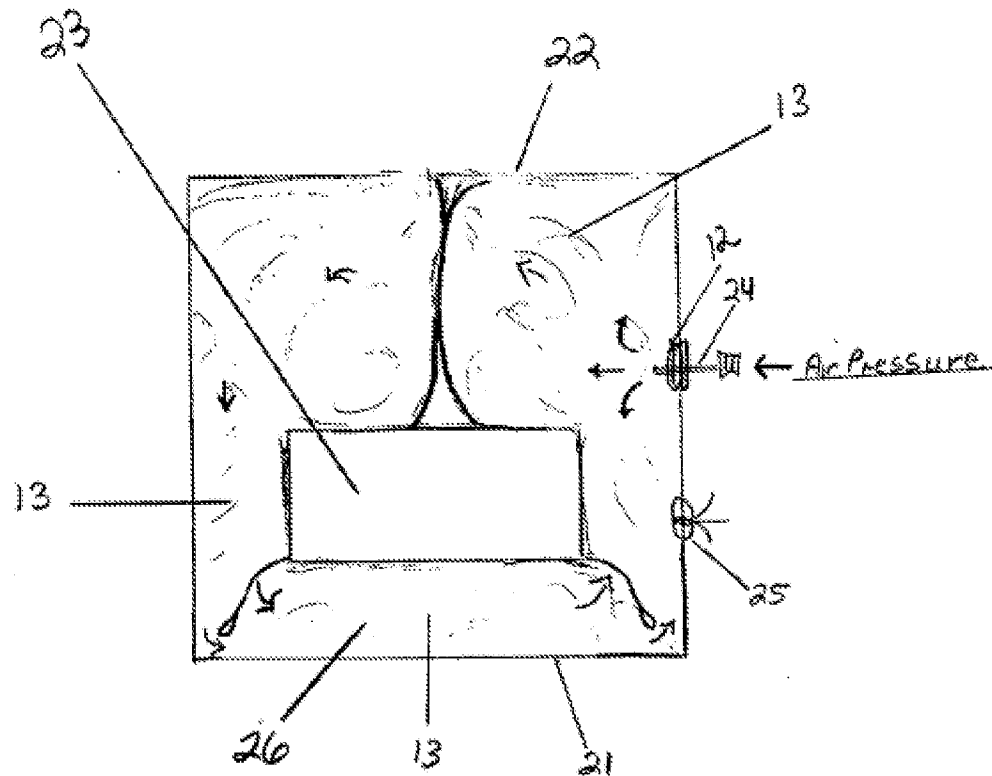
***Claim Rejections – 35 USC § 103***

2. Claims 6 and 12-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jarvis et al. (US 5515975) in view of Kim (US 5624035). Applicant respectfully traverses the rejections because the combination of Jarvis and Kim does not teach all of the elements of independent claim 6, as currently amended. Specifically, the combination of Jarvis and Kim does not teach: (1) a single inflatable bladder; and (2) a single inflatable bladder having a first deflated position having side portions substantially normal to a bottom portion to form an interior space having an open top for placement of an item and a second inflated position with the side portions engulfing the item by filling in the open top. Moreover, there is no motivation to combine Jarvis and Kim to affix the inflatable bladder to the interior of the box.

As depicted below in FIG. 12, Jarvis teaches two inflatable bladder disposed within a box.

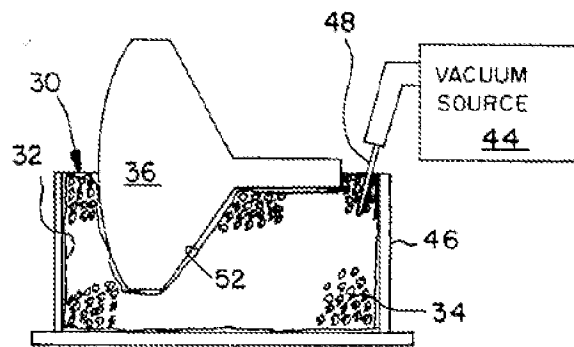


The first inflatable bladder is disposed around a bottom portion of an item and a second inflatable bladder is disposed around a top portion of the item. Jarvis requires two bladders to protect the item. Once the item and surrounding bladders are placed in a box, the bladders may be inflated. Neither of the two bladders are disposed substantially along the length of the sidewalls of the box. In sharp contrast, in the claimed invention, only one bladder is required. Specifically, the bladder includes a bottom portion and side portions that extend substantially along the length of the sidewalls of the box. This creates an opening at the top of the bladder near the top of the open box when the bladder is in a first deflated position. After an item has been placed in the bladder, the box is closed and the bladder is inflated to its second position. In the second inflated positioned, as depicted below, the side walls of the bladder fill in the open top portion of the bladder thereby engulfing the item.

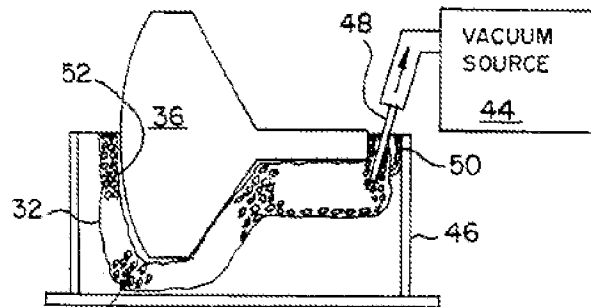


Accordingly, only one bladder is needed in the claimed invention to completely engulf and protect the item being shipped.

Moreover, as stated by the Office on page 3 of the Office Action dated 01/21/2011, Jarvis does not teach the inflatable bladder being affixed to the interior of the box. To remedy this deficiency, the Office cites Kim. However, Jarvis provides no motivation to attach the bladder within the box as discussed in Kim. In fact, Jarvis teaches away from affixing the bladder within the box. As partially stated above, Jarvis teaches two inflatable bladders disposed within a box. The first inflatable bladder is disposed around a bottom portion of an item and a second inflatable bladder is disposed around a top portion of the item. As depicted below in FIGS. 8 and 9 of Jarvis, the bladders are first placed under negative pressure so that they tightly form around the contours of the item being shipped.



**FIG. 8**



**FIG. 9**

The item with the negative pressure bladders tightly formed around them is then placed within a box and the bladders are inflated. As clearly depicted, the bladders cannot be affixed to the interior of the box if they are to serve their intended purpose. If the bladders were affixed to the interior of the box, they would not suction to the contours of the item being shipped as intended. In fact, if the bladders were affixed to the interior of the box, it would have an opposite effect - i.e., the bladders would pull away from the item towards the affixation point as they are placed under negative pressure.

Accordingly, Applicant requests favorable reconsideration and withdrawal of the rejections on these grounds. Furthermore, because claims 13-15 and 18, depend from allowable claim 6, as currently amended, Applicant requests favorable reconsideration and withdrawal of the rejections on these grounds.

### ***Response to Arguments***

3. Applicant acknowledges that the arguments in the Appeal Brief filed 11/15/2010 with respect to claims 6-7 and 12-18 have been considered and are persuasive and the rejection has been withdrawn and that a new ground of rejection is made in view of Jarvis, Kim, and Krueger.

### ***Conclusion***

4. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Office is not fully persuaded as to the merits of Applicant's position, or if an

Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,  
SMITH & HOPEN

Dated: May 18, 2011  
Customer No. 21,901

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**  
**(37 C.F.R. § 1.8)**

I HEREBY CERTIFY that this correspondence is being electronically transmitted to the Patent and Trademark Office through EFS Web on May 18, 2011.

Date: May 18, 2011

/jessica thompson /  
Jessica Thompson